

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

| | | |
|--|---|--------------------------------|
| Larry Jerome Rainey, |) | Civil Action No. 0:16-2113-RMG |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Classification Mr. Bethea, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the Court on Plaintiff's *pro se* motion to reopen the case, which the Court construes as a motion to alter or amend judgment under Rule 59(e) of the Federal Rules of Civil Procedure. The Court granted summary judgment for Defendants on July 20, 2017. Plaintiff now states that he has been denied access to the prison law library and to materials necessary for the prosecution of his case. (Dkt. No. 65.) The Court, however, ruled on the merits of a summary judgment motion that was fully briefed, including a brief in opposition from Plaintiff (*see* Dkt. No. 54). The Court granted summary judgment for Defendants "because Plaintiff has produced no evidence that a serious deprivation of medical care or accommodations has occurred." (Dkt. No. 62 at 3.) To have that judgment set aside, Plaintiff must present some evidence that serious deprivation of medical care or accommodations has occurred *and* a satisfactory explanation about why that evidence was not produced earlier. *See Small v. Hunt*, 98 F.3d 789, 798 (4th Cir. 1996). Even if the Court were to accept Plaintiff's explanation about his inability to make timely filings (which is dubious given that summary judgment was granted only after this case had been pending for a full year), Plaintiff has still failed to provide any evidence that might create a genuine dispute of material fact.

The Court therefore **DENIES** Plaintiff's motion to reopen the case, construed as a motion to alter or amend judgment.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

August 22, 2017
Charleston, South Carolina